

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RUBEN HERNANDEZ GARCIA,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-07-249
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
REGARDING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**


On December 6, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 22) be denied as it relates to petitioner's exhaustion of administrative remedies but that the motion for summary judgment be granted on the merits of petitioner's claims and that the petition be dismissed. The Memorandum and Recommendation recommended further that petitioner be denied a certificate of appealability. On December 17, 2007, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is denied as it relates to petitioner's exhaustion of administrative remedies. Respondent's motion for summary judgment on the merits of petitioner's claims is granted and the petition is dismissed. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 20th day of December, 2007.



Janis Graham Jack
United States District Judge